

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

Plaintiff,

v.

**ORDER RE JULY 18 HEARING**

DALE SCOTT HEINEMAN; KURT F.  
JOHNSON; THE DOREAN GROUP;  
WILLIAM JULIAN; FARREL J.  
LECOMPTE, JR.; SARA J. MAGOON; and  
CHARLES DEWEY TOBIAS,

Defendants.

The following orders were entered orally at the hearing of July 18, 2006, hearing:


- Time is excluded from the Speedy Trial clock through the next hearing date, September 5, 2006, to ensure continuity of counsel, due to the complexity of the case and due to the pending motion for recusal. *See* 18 U.S.C. 3161(h)(1)(f), 3161(h)(8)(B)(ii), 3161(h)(8)(B)(iv).
- The United States Marshals Service must look into the circumstances in which a razor blade was found in the cell occupied by defendant Charles Dewey Tobias.
- The amended cross-complaint filed by defendants Dale Scott Heineman and Kurt F. Johnson is a nullity.
- The “Orders of Dismissal” filed by Heneiman and Johnson will be filed with a cover sheet stating that the seal on the “order” was not affixed by the

undersigned or his staff but instead by defendants themselves. Defendants must not affix the Court's seal to anything ever again.

- The government is directed to review the proposed subpoenas by Heineman and Johnson and report to the Court on whether they are necessary to the defense pursuant to Federal Rule of Criminal Procedure 17. The government should report back by **NOON, JULY 28, 2006**.

**IT IS SO ORDERED.**

Dated: July 21, 2006

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE